

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-11730 NG

GEORTO, INC.,

Plaintiff,

v.

WILLIAM GATEMAN, INDIVIDUALLY
and as TRUSTEE OF 200 UNION
STREET REALTY TRUST

Defendant,

Third Party Plaintiff, and
Third Party Defendant-in-
Counterclaim

ROBERTS CORPORATION

Third Party Defendant,
and Third Party Plaintiff-in-
Counterclaim

**OPPOSITION AND RESPONSE OF THE DEFENDANT, WILLIAM GATEMAN, TO
MOTION OF THE PLAINTIFF TO COMPEL DEFENDANT WILLIAM GATEMAN
TO ANSWER INTERROGATORIES STILL FURTHER AND TO APPEAR FOR A
FURTHER DEPOSITION AS TO THOSE ANSWERS**

The Defendant, William Gateman, opposes the above captioned Motion of the Plaintiff believing that he has adequately and properly answered and **Further Answered** the Interrogatories cited and denying the characterizations of his answers by Plaintiff's counsel.

In the spirit of cooperation in discovery, at the Court's Status Conference on October 17, 2005 at which the Plaintiff presented his Motion to Compel Further Answers, the Defendant provided "Further Answers" to Supplement its original Answers to each of the Interrogatories challenged by the Plaintiff (Copy Attached Marked "A"). The Plaintiff now

wants to re-depose the Defendant as to two areas: (1) documents which it requested of the Defendant at the original deposition and (2) the Defendant's Further Answers.

The Defendant has already agreed to the Plaintiff's request to re-depose as to the documents which were identified at the original deposition, i.e. area 1 above.

The Defendant, however, Opposes the Plaintiff's efforts to re-depose as to the Further Answers it has supplied. It is the Defendant's understanding, from conferencing with counsel for the Plaintiff, that the Plaintiff wishes to inquire as to the Defendant's legal theories of defense as set forth in its "state the basis" interrogatories, i.e. Interrogatories 6 through 21 (set out below in Attachment "A"). The Defendant has made a good faith effort, with the advice and assistance of counsel, to respond to the Plaintiff's Interrogatories as to the legal and factual basis of his defenses so as to adequately inform the Plaintiff of its defenses. To further depose the Defendant as to legal theories serves no good purpose and, I would argue, rises to the level of harassment.

WHEREFORE, the Defendant Moves the court to Deny the Plaintiff's Motion to re-depose the Defendant as to these "state the basis" interrogatories at the continued deposition.

Respectfully submitted,

/s/ James S. Robbins
James S. Robbins, Esq.
BBO#421880
6 Beacon Street
Suite 1100
Boston, MA 02108
617-227-7541
617-227-3722 fax

CERTIFICATE OF SERVICE

I, James S. Robbins, Esquire, hereby certify that on the __9th__ day of January , 2006, I served the above and foregoing **OPPOSITION AND RESPONSE OF THE DEFENDANT, WILLIAM GATEMAN, TO MOTION OF THE PLAINTIFF TO COMPEL DEFENDANT WILLIAM GATEMAN TO ANSWER INTERROGATORIES STILL FURTHER AND TO APPEAR FOR A FURTHER DEPOSITION AS TO THOSE ANSWERS** on the following individual and counsel of record by mailing a true and exact copy of same, postage prepaid, to:

**Dale Kerester
Lynch, Brewer, Hoffman & Fink LLP
101 Federal Street
22nd Floor
Boston, MA 02110**

**J. Mark Dickison, Esq.
LAWSON & WEITZEN, LLP
88 Black Falcon Avenue, Suite 345
Boston, MA 02110**

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY:

_____/s/_____
JAMES S. ROBBINS
6 Beacon Street
Boston, MA 02108
Tel: (617) 227-7541
BBO#421880